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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,491	09/05/2000	Ernst Messerschmid	1319.GLE.PT	7428
26986	7590	02/13/2006	EXAMINER	
MORRIS O'BRYANT COMPAGNI, P.C. 136 SOUTH MAIN STREET SUITE 700 SALT LAKE CITY, UT 84101			ZIMMERMAN, BRIAN A	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/622,491

Applicant(s)

MESSERSCHMID ET AL.

Examiner

Brian A. Zimmerman

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-89 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 57-89 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

EXAMINER'S RESPONSE**Status of Application**

In response to the applicant's amendment received on 11/21/05. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 57-89 remain unpatentable for the reasons set forth in this office action:

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 57,58,60-62,64-71,74-76,78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop (2001/0040503) in view of Badger (5729192) and Sues (5229648) and the admitted prior art.

Bishop shows a vehicle device that includes a plurality of components (figures 6b. through 6e.) that can receive radio signals, evaluate the radio signals and deactivate the components in the system. Since at least one of Bishop's components can operate to prevent operation of the object, Bishop meets the claimed limitation of "any one of the plurality of components ...to prevent operation of the object." It is noted that "any one of" does not specify that each component can provide this function. See also paragraph 0031.

Art Unit: 2635

In an analogous art, Badger shows vehicle-disabling system where a component receives a radio signal from flying bodies 38. The receiving component, once determining a proper signal has been received, then permanently disables one of a plurality of components. See col. 2 lines 13-15 and col. 6 lines 15-19. Since this is a permanent deactivation, the part must be replaced in order for the part or component to work again. Badger shows the satellite 38 is in the air, and can therefore be considered an airship. The receivers of Badger include decoder logic and are integrated in the vehicle.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the disabling component disable multiple other components in the vehicle to eliminate the need for disabling elements in every component and improve the ability to completely disable the unit or vehicle.

In an analogous art, Sues teaches a plurality of protected devices each having the ability to shut off the automobile if any one of the devices is not authentic. The vehicle will not run if any one of the components is incorrect. Therefore each component is essential to operating the vehicle. The concept taught by Sues is that each element 'has the power' to disable the vehicle if that element is determined to be not authentic. By giving this 'power to disable' to each element, the operation of the security system to disable the vehicle is greatly increased since the potential thief cannot merely disable a single authentication device in one component.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the authentication elements of Bishop-

Art Unit: 2635

Badger (namely the receiver and comparison elements) in each component necessary to the operation of the vehicle since, as suggested by Sues, such would greatly increase the ability to disable the vehicle and prevent theft.

Regarding the limitation of having a check sum in the communication for error detection, the examiner had taken official notice that the use of a check sum in a communication for error detection is very well known and common in the art at the time of the invention, the applicant did not traverse the taking of Official Notice, therefore it is considered that the limitation discussed here is shown by the admitted prior art as per MPEP 2144.03C which states:

If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate.

Regarding the term worldwide ID, the use of unique identification in Badger and Bishop is equivalent to the claimed worldwide ID.

The examiner had taken official notice that paging signals (like those of Bishop) commonly occur once in a time period and can alternately be transmitted periodically in order to ensure reception. As per MPEP 2144.03 C, this is now considered admitted prior art.

2. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop, Badger and Sues and the admitted prior art as applied to claim 57 above, and further in view of Besharat (6219540).

In an analogous art, Besharat shows an indication to the user that the user should bring the communication device within range to improve normal operation of the communication device. See figure 3. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have indicated an out of range error to the user to avoid improper operation of the above modified disablement system.

3. Claims 63 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop, Badger and Sues and the admitted prior art as applied to claim 57 above, and further in view of Hertel (5532690).

In an analogous art, Hertel shows a vehicle disabling system that disables the vehicle after a time delay in order to safely provide disabling of the vehicle. See col. 5 lines 15+.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a time delay in disabling the vehicle in the above discussed system in order to ensure safe disabling of the vehicle.

4. Claims 72,73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop, Badger and Sues and the admitted prior art as applied to claim 57 above, and further in view of Suzarka (6285860).

In an analogous art, Suzarka shows a vehicle shutdown or disable system that uses an interrogation-response communication to determine the location and authentication of the vehicle in order to properly disable the desired vehicle. See

Art Unit: 2635

abstract. Therefore, it would have been obvious to have used interrogation-response communication in order to provide improved security in the disable system discussed above.

5. Claims 79-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop (2001/0040503) in view of Badger (5729192) and Sues (5229648) and the admitted prior art.

Bishop shows a vehicle device that includes a plurality of components (figures 6b. through 6e.) that can receive radio signals, evaluate the radio signals and deactivate the components in the system. Paragraph 0031 suggests that the embodiments of figures 2a and 2b can be combined into a single embodiment; such combination would provide two operating components 203 to control the vehicle accessory 205. As discussed in paragraph 31 this would provide redundancy in the system. Redundancy is a form of confirmation, therefore, Bishop meets the limitation of each operating component receiving a radio signal and controlling the activation of the vehicle while communicating with each other to provide confirmation.

In an analogous art, Badger shows vehicle-disabling system where a component receives a radio signal from flying bodies 38. The receiving component, once determining a proper signal has been received, then permanently disables one of a plurality of components. See col. 2 lines 13-15 and col. 6 lines 15-19. Since this is a permanent deactivation, the part must be replaced in order for the part or component to work again. Badger shows the

Art Unit: 2635

satellite 38 is in the air, and can therefore be considered an airship. The receivers of Badger include decoder logic and are integrated in the vehicle.

In an analogous art, Sues teaches a plurality of protected devices each having the ability to shut off the automobile if any one of the devices is not authentic. The vehicle will not run if any one of the components is incorrect. Therefore each component is essential to operating the vehicle. The concept taught by Sues is that each element 'has the power' to disable the vehicle if that element is determined to be not authentic. By giving this 'power to disable' to each element, the operation of the security system to disable the vehicle is greatly increased since the potential thief cannot merely disable a single authentication device in one component.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the authentication elements of Bishop-Badger (namely the receiver and comparison elements) in each component necessary to the operation of the vehicle since, as suggested by Sues, such would greatly increase the ability to disable the vehicle and prevent theft.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the disabling component disable multiple other components in the vehicle to eliminate the need for disabling elements in every component.

Regarding the limitation of having a check sum in the communication for error detection, the examiner had taken official notice that the use of a check sum in a communication for error detection is very well known and common in

Art Unit: 2635

the art at the time of the invention. As per MPEP 2144.03 C, this is now considered admitted prior art.

Regarding the term worldwide ID, the use of unique identification in Badger and Bishop is equivalent to the claimed worldwide ID.

The examiner had taken official notice that paging signals (like those of Bishop) commonly occur once in a time period and can alternately be transmitted periodically in order to ensure reception. As per MPEP 2144.03 C, this is now considered admitted prior art.

6. Claims 85,87,88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop, Badger and Sues and the admitted prior art as applied to claims 79,80 above, and further in view of Kaish (4494114).

In an analogous art, Kaish shows a disabling device that renders electronic appliances inoperable to prevent or dissuade theft. The examiner had taken official notice that the claimed elements set forth in these claims are common well-known electronic appliances. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the above modified disabling system to render electronic keys and smart cards inoperable in order to deter theft. As per MPEP 2144.03 C, this is now considered admitted prior art.

Art Unit: 2635

7. Claims 86 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bishop, Badger and Sues and the admitted prior art as applied to claims 79 above, and further in view of Rohrbach (5898783).

In an analogous art, Rohrbach shows a disabling device that renders portable telephone appliances inoperable to prevent or dissuade theft. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the above modified disabling system to render portable telephone appliances inoperable in order to deter theft.

Response to Arguments

Applicant's arguments filed 11/21/05 have been fully considered but they are not persuasive.

The applicant argues that Sues does not teach that each stolen component is an electronic operating component. The applicant points to the fender example of Sues to support the argument. While it is agreed that the fender of Sues is not an electronic operating component, Sues does suggest the use of the CCUs on electronic operating components such as the processor controlled distributor and the fuel injection system and transmission system. The claims use open language and can therefore include additional elements such as the CCU on a non-electronic fender.

The applicant argues that Sues does not teach that each component is essential to the intended use of the device. While the fender of Sues being

Art Unit: 2635

essential to the operation of the vehicle is debatable, for the sake of argument we can take the applicant's position. However, Sues does suggest the use of the CCUs on essential operating components such as the processor controlled distributor and the fuel injection system and transmission system. The claims use open language and can therefore include additional elements such as the CCU on a non-essential fender.

The applicant argues that the claims do not require that the device be outfitted with components that may become electronic. The examiner points to Sues col. 4 lines 39-44, that teaches the CCUs being part of electronic equipment.

The applicant argues that Sues is directed to preventing the theft of stolen components, not preventing theft of the device. This argument is unclear since Sues is both directed to protecting the theft of the components, by disabling the components such that they cannot be used in another vehicle, and this also prevents the theft of the vehicle since the removal of one of the components disables the vehicle in addition to the need for a matched key to properly operate the vehicle.

The applicant argues that the claims require use of electronic components that are each capable of receiving a radio signal from an airborne source. The

Art Unit: 2635

examiner points to Badger and reference is made to the discussion of Badger in the rejection above.

The applicant argues that there is no motivation or purpose to combine the references. As pointed out above using the authentication elements of Bishop-Badger (namely the receiver and comparison elements) in each component necessary to the operation of the vehicle since, as suggested by Sues, such would greatly increase the ability to disable the vehicle and prevent theft.

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A. Zimmerman whose telephone

Art Unit: 2635

number is 571-272-3059. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian A Zimmerman
Primary Examiner
Art Unit 2635

BAZ